

A BILL

To authorize the disposal of the Government-owned long-lines communication facilities in the State of Alaska, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United
2 States of America in Congress assembled, That this Act may be cited as the
3 Alaska Communications Disposal Act.

4 TITLE I - DEFINITIONS

5 Sec. 101. In this Act:

6 (1) "Transfer" means the conveyance by the United States of any
7 element of ownership, including but not restricted to any estate or interest
8 in property and franchise rights, by sale, exchange, lease, easement, or
9 permit, for cash, credit, or other property, with or without warranty.

10 (2) "Long-lines communication facilities" means the transmission
11 systems connecting points inside the State with each other and with points
12 outside the State by radio or wire, and includes all kinds of property and
13 rights-of-way necessary to accomplish this interconnection.

14 (3) "Agency concerned" means any department, agency, wholly-owned
15 corporation, or instrumentality of the United States.

16 TITLE II - TRANSFER OF UNITED STATES GOVERNMENT-OWNED LONG-
17 LINES COMMUNICATION FACILITIES IN AND TO ALASKA

18 Sec. 201. (1) Subject to the provisions of Section 202, and notwith-
19 standing provisions of any other law, the Secretary of Defense or his
20 designee, with the advice, assistance, and, in the case of any agency not
21 under the jurisdiction of the Secretary of Defense, the consent of the
22 agency concerned, and after approval of the President, is authorized to

1 and shall transfer for adequate consideration any or all long-lines
2 communication facilities in or to Alaska under the jurisdiction of the
3 Federal Government to any person qualifying under the provisions of
4 Section 202, and may take such action and exercise such powers as may be
5 necessary or appropriate to effectuate the purposes of this act.

6 (2) Transfers under this title may be made by negotiation, and
7 without advertising for bids. Sufficient publicity of proposed
8 negotiations for transfer shall be given to insure reasonably that all
9 interested persons have knowledge of such negotiations before they are
10 begun. Offers shall be solicited from all such sources as are deemed
11 necessary by the Secretary of Defense or his designee to assure full
12 and free competition.

13 (3) Prior to the consummation of any transfer under this title, the
14 Secretary of Defense or his designee shall notify the Attorney General of
15 the proposed transfer and the probable terms or conditions thereof. Within
16 ninety days after receiving such notification, the Attorney General shall
17 advise the Secretary of Defense or his designee whether, in so far as he
18 can determine, the proposed transfer would tend to create or maintain a
19 situation inconsistent with the antitrust laws. Upon the request of the
20 Attorney General, the Secretary of Defense or his designee shall furnish
21 or cause to be furnished such information he may possess which the Attorney
22 General determines to be appropriate or necessary to enable him to give the
23 advice required by this subsection.

24 (4) The head of the agency concerned or his designee shall execute
25 such documents for the transfer of title or other interest in property,

1 except any mineral rights therein, and take such other action as the
2 Secretary of Defense deems necessary or proper to transfer such property
3 under the provisions of this title. A copy of any deed, lease, or other
4 instrument executed by or on behalf of the head of the agency concerned
5 purporting to transfer title or any other interest in public land shall be
6 furnished to the Secretary of the Interior.

7 (5) No interest in public lands, withdrawn or otherwise appropriated,
8 may be transferred under this title without the prior consent of the
9 Secretary of the Interior, or, with respect to lands within a national
10 forest, of the Secretary of Agriculture.

11 Sec. 202. No transfer under this title may be made unless the
12 Secretary of Defense or his designee determines that--

13 (1) the United States does not need to retain the property involved
14 in the transfer for national defense purposes;

15 (2) the transfer is in the public interest;

16 (3) the person to whom the transfer is made is prepared and qualified
17 to provide, without interruption, the communication service involved in the
18 transfer; and

19 (4) the long-lines communication facilities will not directly or
20 indirectly be owned, operated, or controlled by a person or business entity
21 who would legally be disqualified by the Federal Communications Commission
22 from holding a radio station license under any of the terms of the
23 Communications Act of 1934, as amended.

24 Sec. 203. The agreements by which a transfer is made under this title
25 shall include a provision that--

1 (1) the person to whom the transfer is made shall, subject to the rules
2 and regulations of any body or commission established by the State of Alaska
3 to govern and regulate communication services to the public and of the
4 Federal Communications Commission and all applicable statutes, treaties,
5 and conventions, provide without interruption, the communication services
6 involved in the transfer, except those services reserved by the United
7 States in the transfer; and

8 (2) the rates and charges for such services applicable at the time of
9 transfer shall not be changed for a period of one year from the date of
10 such transfer unless approved by a governmental body or commission having
11 jurisdiction.

12 Sec. 204. Transfers under this title do not require the approval of
13 the Federal Communications Commission except to the extent that the approval
14 of the Federal Communications Commission may be necessary under Section
15 202(4).

16 Sec. 205. Notwithstanding the provisions of any other law, the gross
17 proceeds of each transfer shall be covered into the Treasury of the United
18 States as miscellaneous receipts.

19 Sec. 206. The Secretary of Defense or his designee shall report to
20 the Congress and the President--

21 (1) in January of each year, the actions taken under this title
22 during the preceding twelve months; and

23 (2) not later than 90 days after completion of each transfer under
24 this title, a full account of that transfer.

25 TITLE III - MISCELLANEOUS PROVISIONS

26 Sec. 301. Except as provided in Section 204, this Act does not modify
27 in any manner the provisions of the Communications Act of 1934, as amended.

- 1 Sec. 302. There is authorized to be appropriated to the Secretary of
- 2 Defense such sums as may be necessary to carry out the provisions of this Act.